

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 28, 2006

DIVISION ONE

B184927 People (Not for Publication)
v.
Derrick Sibley

The judgment is reversed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

B181092 People (Not for Publication)
v.
Michael Peter Herrera

The judgment is modified to strike the 10-year section 186.22 enhancements imposed on counts 2 and 3. As so modified, the judgment is affirmed. The clerk of the court is directed to prepare a modified abstract of judgment and forward a copy to the Department of Corrections. The true findings on the gang enhancements are to be noted on the abstract of judgment.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

September 28, 2006 (Continued)

DIVISION ONE (Continued)

B186950 Abdullah (Not for Publication)
v.
County of Los Angeles

The order of the trial court denying appellants' motion to disqualify attorney Wanski and the Blumberg Law Corporation is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

B188564 Carey (Not for Publication)
v.
Carey

The judgment is reversed. Appellant shall recover his costs on appeal.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
Jackson, J. (Assigned)

B175530 Armenta, et al.
v.
Mueller Co., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment) Vogel, J. would grant the petition for rehearing.

DIVISION TWO

B183420 Ersoff (Not for Publication)

v.

Alschuler Grossman Stein & Kahan et al.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

B183046 Tolt (Not for Publication)

v.

Borselle, et al.

The judgment is reversed. The case is remanded to the trial court to determine an appropriate award of attorney fees and costs to appellants as the prevailing parties, pursuant to section 425.16, subdivision (c).

Respondent Tolt is to bear all costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

B194691 W.G. Wells et al. (Not for Publication)

v.

Richard Ciotti

The order awarding attorney fees and costs is reversed. In the interests of justice, appellants are denied their attorney fees and costs on appeal, due to appellants' dishonest conduct in this Court, as described in footnote 2, *ante*. (Rule 27(a)(4).)

Boren, P.J.

We concur: Doi Todd, J.

Chavez, J.

September 28, 2006 (Continued)

DIVISION TWO (Continued)

B185379 People (Not for Publication)
v.
Jenkins & Lewis

As to both defendants, the gang enhancement on count 1 is stricken. As modified, the judgments are affirmed. The trial court is directed to prepare corrected abstracts of judgment and to forward copies thereof to the Department of Corrections.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B183161 People (Not for Publication)
v.
Cristobal

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B183643 Yi (Not for Publication)
v.
Kim

The judgment and order are affirmed. Each party to bear its own costs of appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

DIVISION TWO (Continued)

B187754 Galdjie (Not for Publication)
v.
Moses

The trial court's order denying appellant Moses's motion to strike under section 425.16 is reversed. On remand, the trial court is directed to enter a new order granting appellant Moses's motion to strike the complaint pursuant to section 425.16. Further, the trial court is to consider and rule upon the attorney fees request of appellant Moses, including those incurred on appeal, pursuant to section 425.16, subdivision (c). Appellant Moses shall recover costs of appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B186701 Davis, et al. (Not for Publication)
v.
Governing Board of the Bellflower Unified School District

The judgment granting the petition for writ of mandate is reversed and the writ of mandate is vacated. Respondents shall pay the costs of appeal.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B179288 People
v.
Gabriel Aguilar and Miguel Sanchez

Filed order denying petitions for rehearing.

DIVISION THREE (Continued)

B184547 Robert Zavala (Certified for Publication)
 v.
 Scott Brothers Dairy, Inc.

The judgment is affirmed. Respondent to recover costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B186910 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Levenya L. et al

The order directing the Department to pay \$200 in sanctions is affirmed.
The temporary stay previously issued by this court is discharged.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B182648 People (Not for Publication)
 v.
 Vince Lamont Jackson

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

September 28, 2006 (Continued)

DIVISION THREE (Continued)

B181229 People (Certified for Partial Publication)
v.
Leonard James McSherry

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B184274 Jane Hemady, a Minor etc., et al (Certified for Publication)
v.
Long Beach Unified School District et al

The judgment is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Plaintiff is awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B178048 People (Not for Publication)
v.
Gabriel Alonzo

The 10-year section 186.22 enhancement is stricken. A 15-year minimum parole eligibility requirement is imposed instead. (§ 186.22, subd. (b)(5).) In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

September 28, 2006 (Continued)

DIVISION FOUR

[illegible]

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

[illegible]

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

[illegible]

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B182928 Moghadam
v.
Regents of the University of California

Filed order denying petition for rehearing.

September 28, 2006 (Continued)

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION FIVE

B184145 Amerus Life insurance Company (Certified for Publication)
v.
Bank of America, N.A.

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B183945 Kathlynn Federici (Certified for Publication)
v.
Gursey Schneider & Co., LLP et al

The judgment is affirmed. Each party to bear their own costs.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B184999 Adonnis C. Colmenar et al (Not for Publication)
 v.
 Rhandall Colmenar et al

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION SIX

B189006 People (Not for Publication)
 v.
 Tyler

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B187373 People (Not for Publication)
 v.
 Lopez

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

September 28, 2006 (Continued)

DIVISION SIX (Continued)

B185962 People (Not for Publication)
v.
Moore

The judgment (order) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B184708 People (Not for Publication)
v.
Baldivia

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B187027 People (Not for Publication)
v.
Treas

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

B184489 Hood (Certified for Publication)

v.

Santa Barbara Bank & Trust, et al.

We reverse the judgment and remand this matter to the trial court. Costs are awarded to appellants.

Coffee, J.

I concur: Perren, J.

I dissent: Yegan, Acting P.J. (Opinion)

DIVISION EIGHT

B187479 People (Not for Publication)

v.

Jose C.,

The judgment is reversed.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B183962 People (Not for Publication)

v.

Bankers Insurance Co.,

The judgment is affirmed. Respondent is awarded its costs on appeal.

Boland, J.

We concur: Cooper, P.J.

Flier, J.

DIVISION EIGHT (Continued)

B187776 People (Not for Publication)
v.
Tiffeney H.,

The juvenile court is directed to issue an amended minute order (1) reflecting that probation condition number 15 includes a knowledge element and (2) deleting all references to a maximum term of confinement. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B165767 People (Certified for Publication)
v.
Esquibel

The trial court is ordered to delete the section 12022.7 enhancement and prepare a new abstract of judgment. In all other respects, the judgment of the trial court is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B188701 Friedman et al.,
v.
S.C.L.A.
Evensen

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)